**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**WEDNESDAY, THE 2ND MAY 2007 / 12TH VAISAKHA 1929**

**Bail Appl..No. 2385 of 2007()**

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**CMP.1317/2007 of J.M.F.C.-I,PALAKKAD**

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**(CRIME NO.5/2007 OF EXCISE RANGE, PALAKKAD)**

**PETITIONERS:ACCUSED:**

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1. **MOHAMMED KASIM, AGED 37 YEARS,**
   **S/O.ISMAIL RAWTHER, HOUSE NO.10,**
   **SHELVAPURAM,COIMBATORE.**

2. **SAJI, AGED 34 YEARS,**
   **KUNCHU KUNJU, KATHAVARAMBU HOUSE,**
   **PAZHAVANDI VILLAGE, RANNI TALUK,**
   **PATHANAMTHITTA.**

**BY ADV. SRI.C.K.SREEJITH**

**RESPONDENT:COMPLAINANT:**

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**THE STATION HOUSE OFFICER,**
**EXCISE RANGE OFFICER, PALAKKAD RANGE, PALAKKAD,**
**REPRESENTED BY THE PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA,ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. MEERA.K.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**V. RAMKUMAR, J.**

**B.A. No. 2385 OF 2007**

**Dated this the 2nd day of May, 2007**

**O R D E R**

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 and 2 in Crime No.5/07 of Palakkad Excise Range for an offence punishable under Sec.55(a) of the Abkari Act, for having been found in possession of 1000 liters of rectified spirit on 21.3.07, seek their enlargement on bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioners' contention that they have been falsely implicated in the case. Moreover, I am not satisfied that both the grounds enumerated under Sec. 41A(b)(ii) of the Abkari Act are present in this case so as to justify their release on bail.

This application is accordingly dismissed.

**(V. RAMKUMAR, JUDGE)**

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